

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION – IN ADMIRALTY

CIVIL ACTION NO.: 4:21-CV-172-D

In the Matter of:

CHARLES VERRET, Owner of a 2014
Sea Hunt 23' +/- 257 Ultra 234, HIN #
SXS0595D414, NC Registration # NC-
6815 DZ, her engines, tackle, apparel,
appurtenances, fittings, etc.

For Exoneration from
or Limitation of Liability

JUDGMENT OF DEFUALTS
AGAINST NON-APPEARING
PARTIES AND NON-ASSERTED
CLAIMS

THIS CAUSE having come before the Court on Limitation Plaintiff, Charles Verret's ("Limitation Plaintiff"), as the owner of a 2014 Sea Hunt 23' +/- 257 Ultra 234, HIN # SXS0595D414, NC Registration # NC-6815 DZ, her engines, tackle, apparel, appurtenances, fittings, etc., ("Vessel"), Motion for Judgment of Defaults Against Non-Appearing Parties and Non-Asserted Claims and the Court having reviewed the record herein, the Court finds pursuant to Rule 55(b) of the Federal Rules of Civil Procedure that:

1. On November 16, 2021, Limitation Plaintiff filed a Complaint for Exoneration from and/or Limitation of Liability, pursuant to 46 U.S.C. §§ 30501 *et seq.* and Supplemental Rules for Certain Admiralty and Maritime Claims, Rule F of the Federal Rules of Civil Procedure, for any injuries, damages or losses of whatever description arising out of or connected with the operation of the Vessel, during a Voyage on October 16, 2021 and an October 16, 2021 incident which occurred on

Taylor Creek, a navigable body of water (the "Voyage"), the incident referred to in the Complaint.

2. Pursuant to Rule F of the Supplemental Rules of Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, on or about November 16, 2021, the Court duly issued and entered an Order Directing Issuance of Notice and Restraining Prosecution of Claims [DE 6]. Further, on or about November 16, 2021, the Clerk of this Court issued a Notice to Claimants of Complaint for Exoneration from or Limitation of Liability [DE 7] requiring all persons asserting claims for any and all losses, damages, injuries, deaths, or destruction allegedly as a result of the occurrences and happenings recited in the Complaint, to file their respective claims with the Clerk of this Court and serve copies therefore on Limitation Plaintiff's attorneys, and to answer the allegations of the Complaint herein on or before April 8, 2022 or be defaulted. *Id.*

3. The Notice of said Order was duly given and published in *The News and Observer* in Raleigh, North Carolina once a week for four (4) successive weeks ending on March 2, 2022, as required by the Court, and a copy of the Notice was mailed to every person known to have made a claim, whether or not a claim was anticipated, against the Vessel or Limitation Plaintiff arising out of the Voyage on which the claims sought to be limited arose. Notice by Limitation Plaintiff was, in all respects, proper.

4. The April 8, 2022 deadline for receipt of claims and answers has expired

5. To date, Limitation Plaintiff has been notified of six claims, those of Atlantic Coast Marine Group, Inc., (which claim is the subject a Stipulation of Voluntary Dismissal [DE 45]), Jason Edinger, Andrew Minenna, New Hampshire Insurance Company, MHC Boathouse NC, L.P. and/or MHC Boathouse NC TRS, L.L.C. d/b/a The Boathouse Marina and Ashley-Nicole Russell.

6. No other person or party has appeared, filed any claims, or filed any pleadings in this matter.

7. An Order for Entry of Default Against Non-Appearing Parties was entered on May 26, 2022 [DE 42].

IT IS ORDERED, ADJUDGED AND DECREED that Judgment of Defaults is had as to all non-asserted claims arising from the Voyage at issue in this limitation action and against all non-appearing parties having an interest in this matter; that all persons in default are barred, enjoined and restrained from filing, commencing or prosecuting any claim, answer, suit, action or other proceeding of any nature or description whatsoever for or in connection with or on account of, incidental to, or resulting from the Voyage in this or any proceeding relating to the Voyage at issue; that Limitation Plaintiff is exonerated from liability as to all persons in default; and that the concursus of remaining claimants in this action consists only of Jason Edinger, Andrew Minenna, New Hampshire Insurance Company, MHC Boathouse NC, L.P. and/or MHC Boathouse NC TRS, L.L.C. d/b/a The Boathouse Marina and Ashley-Nicole Russell.

SO ORDERED. This 12 day of July, 2022.

J. Dever
JAMES C. DEVER III
United States District Judge